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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

TYLER MILLER, an individual

Plaintiff,

v.

HENRY HEIMULLER, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; BRUCE HOLSEY, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; JEFF FLATT, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; and SHELLEY HENNESSY, in her official capacity as Board Member of the Columbia 9-1-1 Communications District,

Defendants.

Case No 3:23-cv-00293-SI

**DEFENDANTS' ANSWER TO  
PLAINTIFF'S COMPLAINT**

**JURY TRIAL DEMAND**

In answer to plaintiff's Complaint, defendants admit, deny, and allege as follows:

**JURISDICTION AND VENUE**

1. Defendants admit that this court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.
2. Defendants admit that this court has personal jurisdiction over defendants.
3. Defendants admit that venue is proper in the Portland Division of the District Court.

## **PARTIES**

4. Defendants admit that plaintiff Tyler Miller is an Oregon citizen who resides in Scappoose, Oregon and who is a member of the Scappoose City Council.

5. Defendants admit that Henry Heimuller, Bruce Holsey, Jeff Flatt, and Shelley Hennessy are board members for the Columbia 9-1-1 Communications District.

## **GENERAL FACTUAL ALLEGATIONS**

6. Defendant admits that it is a district within the meaning of ORS Chapter 198 and that it must comply with Oregon public meetings laws.

7. Defendants admit that the district conducts public Board of Directors meetings, generally once a month.

8. Defendants admit that on January 11, 2023, plaintiff attended a district meeting at which two proposals were discussed.

9. Defendants admit that after the meeting, plaintiff sent an email to several board members and Michael Fletcher, the Executive Director of Columbia 9-1-1.

10. Defendants admit that on January 18, 2023, outside counsel for the district sent a letter to the Scappoose City Council regarding Mr. Miller's January 11, 2023, email.

11. Defendants admit that that same day, the Scappoose city attorney responded to the district's outside counsel requesting that further communications about a new emergency radio system procurement be directed to him.

12. Defendants admit that on January 20, 2023, the district's outside counsel asked the city council to request that councilor Miller not contact the district's directly, but rather communicate through the Scappoose City Attorney.

13. Defendants admit that on February 17, 2023, plaintiff posted a message on his Scappoose City Council Facebook/Meta account commenting on the district's efforts to obtain a new emergency radio system.

14. Defendants admit that on February 23, 2023, plaintiff was informed that he was banned from attending public district meetings in person and from calling the district's non-emergency dispatch number due to conduct that had created a hostile work environment.

15. Except as specifically admitted herein in paragraphs 1 through 14 above, defendants deny each and every remaining allegation of plaintiff's Complaint and the whole thereof.

WHEREFORE, having fully answered plaintiff's Complaint, defendants pray for judgment in their favor, including an award of costs, disbursements and fees.

DATED this 28<sup>th</sup> day of March, 2023.

HART WAGNER LLP

By: /s/ Karen O'Kasey  
Karen O'Kasey, OSB No. 870696  
Of Attorneys for Defendants  
Trial Attorney: Karen O'Kasey, OSB No. 870696

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of March 2023, I served the foregoing **DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT** on the following party at the following address:

Clifford S. Davidson  
Drew L. Eyman  
Snell & Wilmer LLP  
1455 SW Broadway Ste 1750  
Portland OR 97201  
*Of Attorneys for Plaintiff*

by electronic means through the Court's Case Management/Electronic Case File system.

/s/ Karen O'Kasey  
Karen O'Kasey